

C11 35. (Twice amended) A combustion method according to Claim 34, in which said zone of the boiler into which said non-fossil fuel is fed has a temperature of not less than 1500°C.

REMARKS

I. Status of the Claims

Claims 1-6, 9-18, 21-28, 34-37, and 43 are pending. Upon entry of this Amendment, claims 2-6, 9, 11-18, 23-28, and 35 have been amended. No new matter has been introduced by this amendment.

II. Objections to the Claims

Claims 2-6, 9, 11-18, 24-28 and 35 are objected for informality reasons. Applicants amended the claims only to address informalities without narrowing or limiting the scope of the amended claims. As the Examiner suggested, the article "A" has been inserted at the beginning of claims 2-6, 9, 11-18, 24-28 and 35 for clarity, and in claim 9 a space has been inserted between 0.6 and g/cm³.

III. Rejection under 35 U.S.C. § 112, 1st Paragraph

Claims 6-8, 18 and 28 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art.

Further to the arguments presented in the Preliminary Amendment filed on February 20, 2002, Applicants note the Examiner's position in maintaining her rejection

under 35 U.S.C. § 112, first paragraph. Applicants hereby reserve the right to appeal this rejection to the Board of Patent Interferences and Appeals after receiving a final rejection.

IV. Rejection under 35 U.S.C. §§ 102(b) or 103(a)

Claims 23-28 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over FR 2,273,861 (FR '861).

Applicants submit that claim 23 as amended herein is patentably distinguishable from FR '861 in that it recites a combustion method comprising the step of feeding the flame of a burner of an instantaneous-combustion boiler with a flow of fuel composition including ... non-fossil solid fuel made of urban solid waste and one or more other materials selected from the group consisting of Amended claim 23 now requires an urban solid waste as one component in the step of feeding the non-fossil solid fuel.

As previously submitted, FR '861 does not disclose, teach, or suggest the combustion method of claim 23 at least because FR '861 does not disclose, teach, or suggest the required urban solid waste non-fossil solid fuel feeding step. Therefore, Applicants submit that independent claim 23, and claims 24-28 at least due to their dependence upon claim 23, do not recite subject matter that is anticipated or rendered obvious by FR '861, and thus are in condition for allowance.

V. Rejection under 35 U.S.C. § 103(a)

Claims 1-6, 9-18, 23-28, and 34-36 are rejected under 35 U.S.C. § 103(a) as unpatentable over Schulz (U.S. Patent No. 4,152,119) in view of Blaustein et al. (U.S.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

Patent No. 4,405,331). Claims 37 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schulz in view of Blaustein et al. as applied to claims 1-6, 9-18, 23-28, 31 and 34-36, and further in view of FR 2,733,302 (FR '302).

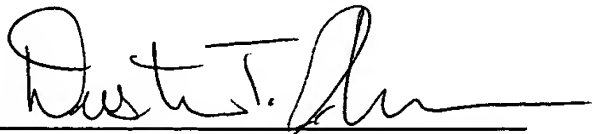
Further to the arguments presented in the Preliminary Amendment filed on February 20, 2002, Applicants note the Examiner's position in maintaining the above-described rejections under 35 U.S.C. § 103(a). Applicants reserve the right to appeal this rejection to the Board of Patent Interferences and Appeals after receiving a final rejection.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 28, 2002

By: 
Dustin T. Johnson
Reg. No.: 47,684

Doc. # 390747

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

**APPENDIX TO AMENDMENT
IN RESPONSE TO OFFICE ACTION DATED JULY 26, 2002
Version with Markings to Show Changes Made**

Amendment to the claims:

2. (Twice amended) A [C]composition according to Claim 1, in which the amount of said fossil fuel is between 50 and 90% by weight.
3. (Amended) A [C]composition according to Claim, in which the amount of the said non-fossil solid fuel is between 50 and 10% by weight.
4. (Twice amended) A [C]composition according to Claim 1, in which the amount of said fossil fuel is between 60 and 80% by weight.
5. (Amended) A [C]composition according to Claim 1, in which the amount of the said non-fossil solid fuel is between 40 and 20% by weight.
6. (Twice amended) A [C]composition according to Claim 1, in which the fossil fuel is selected from the group consisting of methane, fuel oil, fossil coal dust, and mixtures thereof.
9. (Twice amended) A [Compositions] composition according to Claim 1, in which the non-fossil solid fuel has an apparent density equal to or less than 0.6g/cm³.

11. (Twice amended) A [C]composition according to Claim 10, in which at least 90% by weight of the particles are smaller than 2 mesh in size.
12. (Twice amended) A [C] composition according to Claim 10, in which at least 50% by weight of the particles are smaller than 4 mesh in size.
13. (Twice amended) A [C]composition according to Claim 10, in which the particles comprise non-elastomeric polymer material of less than 5 mm in size.
14. (Twice amended) A [C]composition according to Claim 10, in which the amount of said fossil fuel is between 50 and 90% by weight.
15. (Twice amended) A [C]composition according to Claim 10, in which the amount of said non-fossil solid fuel is between 50 and 10% by weight.
16. (Twice amended) A [C]composition according to Claim 10, in which the amount of said fossil fuel is between 60 and 80% by weight.
17. (Twice amended) A [C]composition according to Claim 10, in which the amount of said non-fossil solid fuel is between 40 and 20% by weight.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

18. (Twice amended) A [C]composition according to Claim 10, in which the fossil fuel is selected from a group consisting of methane, fuel oil, fossil coal dust and mixtures thereof.

23. (Twice Amended) A combustion method comprising the steps of:
feeding the flame of a burner of an instantaneous-combustion boiler with a flow of fuel composition including:

from 40 to 95% by weight of an instantaneously combusting fossil fuel;
and

from 60 to 5% by weight of a non-fossil solid fuel made of urban solid waste and one or more other materials selected from the group consisting of [urban solid waste,] elastomeric polymer materials, non-elastomeric polymer materials, and mixtures thereof, which has been suitably treated so as to be instantaneously combustible;

combusting at least 90% by weight of said fuel composition fed into the burner in less than 10 seconds.

24. (Amended) A [C]combustion method according to Claim 23, in which the said non-fossil solid fuel consists of particles less than 1 mesh in size.

25. (Twice amended) A [C]combustion method according to Claim 24, in which at least 90% by weight of said particles are less than 2 mesh in size.

26. (Twice amended) A [C]combustion method according to Claim 24, in which at least 50% by weight of said particles are less than 4 mesh in size.

27. (Twice amended) A [C]combustion method according to Claim 23, in which said particles comprise elastomeric polymer particles of less than 5 mm in size.

28. (Twice amended) A [C]combustion method according to Claim 23, in which the instantaneously combusting fossil fuel is selected from a group consisting of methane, fuel oil, fossil coal dust, and mixtures thereof.

35. (Twice amended) A [C]combustion method according to Claim 34, in which said zone of the boiler into which said non-fossil fuel is fed has a temperature of not less than 1500°C.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com